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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,029	06/27/2003	Chang Wook Han	049128-5111	5609
9629	7590	03/27/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			QUINTO, KEVIN V	
			ART UNIT	PAPER NUMBER

2826

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,029

Applicant(s)

HAN, CHANG WOOK

Examiner

Kevin Quinto

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 14, 15, 17, 18, and 28-32 is/are rejected.
- 7) ☒ Claim(s) 4-13, 16 and 19-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 14, 15, 17, 28, 29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki (United States Patent Application Publication No. US 2003/0027369 A1).
4. In reference to claims 1 and 15, Yamazaki (United States Patent Application Publication No. US 2003/0027369 A1) discloses a similar device and its method of fabrication. Figures 4A-5C illustrate an active matrix organic electro luminescence display panel device with a low refractive film thin film (1103) on the substrate (1112, 1113). The examiner would like to note that the use of the word "on" by itself does not necessarily mean direct contact between two objects or layers in the semiconductor art.

The word "on" by itself could mean that there may possibly be one or several layers between the two objects or layers to which the word "on" is referring. The applicant appears to interpret the word "on" in the same manner. The low refractive thin film (1103) is made of silicon dioxide, a known low refractive film (see Kamijo – United States Patent Application Publication No. US 2002/0130991, p.1, paragraph 10). An organic electro luminescence diode (1105) is formed on the low refractive thin film (1103) to selectively emit light. A switching device (1104c), a transistor, with a gate and an active layer, is formed on the low refractive film (1103) in order to selectively drive the organic electro luminescence diode (1105). The method of fabricating the device of figures 4A-5C meets the claimed method described in claim 15 wherein an organic electro luminescence diode (1105) is formed on the low refractive thin film (1103) to selectively emit light. A switching device (1104c), a transistor, with a gate and an active layer, is formed on the low refractive film (1103) in order to selectively drive the organic electro luminescence diode (1105).

5. With regard to claims 2 and 17, Kamijo states that silicon dioxide has a refractive rate (n) of 1.455. Thus the low refractive thin film (1103) of Yamazaki inherently meets the claimed device and its method of fabrication.

6. In reference to claims 14 and 28, Yamazaki (USPN 6,538,390 B2) discloses a similar device and its method of fabrication. Figures 4A-5C illustrate an active matrix organic electro luminescence display panel device with a low refractive film thin film (1109) on the substrate (1112). The examiner would like to note that the use of the word "on" by itself does not necessarily mean direct contact between two objects or

layers in the semiconductor art. The word "on" by itself could mean that there may possibly be one or several layers between the two objects or layers to which the word "on" is referring. The applicant appears to interpret the word "on" in the same manner. The low refractive thin film (1109) is made of epoxy, a known low refractive film (see Hulse et al. – USPN 6,186,650 B1, column 10, lines 52-53). An organic electro luminescence diode (1105) is formed on the low refractive thin film (1103) to selectively emit light. The switching device (1104c) or transistor, with a gate and an active layer, is formed between the low refractive film (1109) and the substrate (1112) in order to selectively drive the organic electro luminescence diode (1105). There is a first insulating layer formed between the substrate (1112) and the low refractive film (1109) to cover the switching device (1104c). The method of fabricating the device of figures 4A-5C meets the claimed method described in claim 28.

7. With regard to claims 29 and 31, Hulse states that epoxy dioxide has a refractive rate (n) of 1.4. Thus the low refractive thin film (1109) of Yamazaki inherently meets the claimed device and its method of fabrication.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2826

9. Claims 3, 18, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (USPN 6,538,390 B2) in view of Zucker et al. (USPN 6,218,682 B1)

10. In reference to claims 3, 18, 30, and 32, Yamazaki does not disclose forming the insulating layer with silica gel. However silica gel is a known insulating material (Zucker et al. (USPN 6,218,682 B1, column 13, lines 16-18). The applicant is reminded in this regard that it has been held that mere selection of known materials generally understood to be suitable to make a device, the selection of the particular material being on the basis of suitability for the intended use, would be entirely obvious. In re Leshin 125 USPQ 416. Therefore claims 3, 18, 30, and 32 are not patentable over the Yamazaki reference.

11. Claims 3, 18, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (USPN 6,538,390 B2) in view of Numata et al. (USPN 5,811,352).

12. In reference to claims 3, 18, 30, and 32, Yamazaki does not disclose forming the insulating layer with silica gel. However aerogel is a known insulating material (of Numata et al. (USPN 5,811,352, column 7, lines 40-41). The applicant is reminded in this regard that it has been held that mere selection of known materials generally understood to be suitable to make a device, the selection of the particular material being on the basis of suitability for the intended use, would be entirely obvious. In re Leshin 125 USPQ 416. Therefore claims 3, 18, 30, and 32 are not patentable over the Yamazaki reference.

Allowable Subject Matter

13. Claims 4-13, 16, and 19-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: the examiner is unaware of any prior art which suggests or renders obvious an active matrix organic electro luminescence display panel device with the explicit layer structure with regard to the low refractive thin film, the buffer layer and capacitor electrode as described the applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Application/Control Number: 10/607,029

Page 7

Art Unit: 2826

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KVQ

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
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